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10/791,299	03/01/2004	Basil C. Hosmer	47583/P046US/10316464	3513

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EXAMINER
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LEE, JUSTIN YE

ART UNIT	PAPER NUMBER
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2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/791,299	<b>Applicant(s)</b> HOSMER ET AL.	
	<b>Examiner</b> Justin Y. Lee	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specification paragraph 34-37 do not disclose "means for assembling two or more of said information preferences gathered from said plurality of subscribers that correspond to different data of a same data source provider into an aggregated preference" i.e. receiving preference data Aa from mobile device X and receiving preference data Ab from mobile device Y and data Aa and data Ab are corresponding to a same data source A.

In paragraph 34-37 of the specification teaches, mobile device 400 uses channel 15 to request different data from the same data source 402-N and an other mobile device 504, 505, or 506 uses channel 6 to request different stock quotes form a same data server 402-1. Therefore, the Examiner is rejecting the newly amended limitation based on the teaching of the specification paragraph 34-37 since the Applicant

disclosed in the Remarks filed on 4/16/2007 pages 10-11, the part of the amended claim 9 is based on specification at paragraph 34-37.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-8, 9-13, 15-16, 17-21, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanja (US 2002/0107830 A1) in view of Bowers (US 20030005455 A1).

Consider claim 1. Nanja discloses receiving information preferences from a plurality of subscribers to said mobile information system (paragraph 20, aggregator application 207 receives user web data requests),

Transmitting said aggregated information preferences to said data source provider (paragraph 16, the requests are sent to web server 105); and

Assembling data for said mobile information system using said aggregated information preferences (paragraph 16, the web server 105 extracts requested information from content 213 and sends to the system 103).

Nanja does not disclose aggregating those of said information preferences received from said plurality of subscribers that correspond to a same data source provider into aggregated information preferences and

wherein each subscriber's information preferences specify at least one type of dynamically changing information available from a same data source provider that said subscriber desires to receive through subscription to said mobile information system.

Bowers further disclose aggregating those of said information preferences received from said plurality of subscribers that correspond to a same data source provider into aggregated information preferences (Fig. 2, 4-9 and paragraph 33-34, 50-51, 61-63, and 66, requests send from receiver modules 40a-40n and received at access module 36a-36n are aggregated corresponding to the same source module 32a-32n (data source provider)) and

wherein each subscriber's information preferences specify at least one type of dynamically changing information available from a same data source provider that said subscriber desires to receive through subscription to said mobile information system (paragraph 50, 51 and 54, real-time stream of media is the claimed dynamically changing information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bowers into the teachings of Nanja for the purposes of increasing the network resources efficiency (paragraph 9-11).

Consider claim 2. Nanja also discloses separating said information preferences according to one of a plurality of channels of said mobile information system (Fig. The requests are separated and sent to servers 105a-105c according to requested service).

Consider claim 3. Nanja also disclose transmitting said aggregated information preferences to said data source providers responsible for providing said assembled data for said one of said plurality of channels (Fig. 1, the requests are sent to servers 105a-105c).

Consider claim 4. Nanja also disclose transmitting said assembled data to said mobile information system; and sending subscriber-specific feed data streams to each one of said plurality of subscribers according to said information preferences entered by said plurality of subscribers (paragraph 16-18, the extracted information from content 213 according to the requests is sent to the wireless unit 101).

Consider claim 5. Nanja also disclose determining which of said plurality of subscribers are connected to said mobile information system; and wherein said sending step comprises: sending subscriber-specific feed data streams to connected ones of said plurality of subscribers (paragraph 18, the data synchronizer application 208 transfer any new information to the connected wireless unit 101 so it must be able to detect the connected wireless unit before transferring the new information).

Consider claim 7. Nanja also disclose said data is contained in a data document, wherein said data document is created from a data-descriptive meta-language (paragraph 16, XML is a data-descriptive meta-language).

Consider claim 8. Nanja also disclose said data document is obtained by one of:

Polling a Web site containing a formatted data document; and

Polling a data server containing an unformatted data document, wherein an data style layout transform is used to transform said unformatted data document into a

formatted data document (paragraph 16, the information can be obtained directly from web content 213 or through a middleware components 212 for generating the data in XML format).

Consider claims 9-13, 15-16. Claims 9-13 do not substantially differ from claims 1-5 and claims 15-16 do not substantially differ from claims 7-8 in that is a system and computer program product performing the operations of the method of claims 1-5 and 7-8 (also see Bowers, paragraph 29, stock quotes or news is requested by receiver modules 20a-20n and in the stock quotes and news contains different data to different companies or different data to different stories in the news). Thus, see claims 1-5 and 7-8 rejection for detail.

Consider claim 17-21, 23-24. Claims 17-21 do not substantially differ from claims 1-5 and claims 23-24 do not substantially differ from claims 7-8 in that is a system and computer program product performing the operations of the method of claims 1-5 and 7-8 (also see Nanja, Fig. 2 and paragraph 2 discloses the aggregation is done by a software). Thus, see claims 1-5 and 7-8 rejection for detail.

5. Claims 6, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanja (US 2002/0107830 A1) in view of Bowers (US 20030005455 A1) as applied to claims 4, 12, and 20 and further in view of Ta et al. (US 2004/0199635 A1).

Consider claim 6. Nanja and Bowers do not disclose checking assigned bandwidth limitations for each of said plurality of subscribers; and wherein said sending

step comprises: sending subscriber-specific feed data streams to ones of said plurality of subscribers whose assigned bandwidth limitations has not been exceeded.

Ta et al. further disclose checking assigned bandwidth limitations for each of said plurality of subscribers; and wherein said sending step comprises: sending subscriber-specific feed data streams to ones of said plurality of subscribers whose assigned bandwidth limitations has not been exceeded (paragraph 41, checking to see if the bandwidth limit exceeded or not. If not, then transmit data).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Ta et al. into the teachings of Nanja and Bowers for the purposes of improved bandwidth allocation (paragraph 14).

Consider claims 14 and 22. Claims 14 and 22 do not substantially differ from claim 6 in that is a system and computer program product performing the operations of the method of claim 6. Thus, see claim 6 rejection for details.

6. Claims 1, 9, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanja (US 2002/0107830 A1) in view of Kaplan (US 20020146008 A1).

Consider claim 1. Nanja discloses receiving information preferences from a plurality of subscribers to said mobile information system (paragraph 20, aggregator application 207 receives user web data requests);

Transmitting said aggregated information preferences to said data source provider (paragraph 16, the requests are sent to web server 105); and



Assembling data for said mobile information system using said aggregated information preferences (paragraph 16, the web server 105 extracts requested information from content 213 and sends to the system 103).

Nanja does not disclose aggregating those of said information preferences received from said plurality of subscribers that correspond to a same data source provider into aggregated information preferences and

wherein each subscriber's information preferences specify at least one type of dynamically changing information available from a same data source provider that said subscriber desires to receive through subscription to said mobile information system.

Kaplan further disclose aggregating those of said information preferences received from said plurality of subscribers that correspond to a same data source provider into aggregated information preferences (paragraph 4, and 59-63, receiving subscription from plural subscribers (c(116) has subscription for "TV" and "Weather" and c(118) has subscription for "TV", "movies", and "sports") and the received subscription is aggregated into "TV", "weather", "movies", and "sports") and

wherein each subscriber's information preferences specify at least one type of dynamically changing information available from a same data source provider that said subscriber desires to receive through subscription to said mobile information system (paragraph 4, and 59-63, (c(116) has subscription for "TV" and TV is dynamically changing information).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Kaplan into the teachings of Nanja for the purposes of increasing fault tolerance (paragraph 8-10).

7. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanja (US 2002/0107830 A1) in view of Bowers (US 20030005455 A1).

Consider claim 25. Nanja disclose receiving, at an enhanced broadcast server, preferences from a plurality of subscribers to a mobile information system (paragraph 20, aggregator application 207 receives user web data requests),

sending, from said enhanced broadcast server, a request for said superset of said information to said one of said at least one data provider (paragraph 16, the requests are sent to web server 105);

receiving, at said enhanced broadcast server, said requested superset of said information to said one of said at least one data provider (paragraph 16, the requests are sent to web server 105);

determining, by said enhanced broadcast server, corresponding subsets of said received superset of said information that are of interest to each of said plurality of subscribers based on each of said subscriber's preferences (paragraph 16, the web server 105 extracts requested information from content 213 and sends to the system 103).

Nanja does not disclose aggregating, by said enhanced broadcast server, said preferences of said plurality of subscribers for information available from one of said at

least one data provider to form a superset of said information that is of interest to said plurality of subscribers and; sending, from said enhanced broadcast server, said determined subsets of said received superset of said information to each of said plurality of subscribers and; wherein said preferences specify for each of said subscribers a subset of information that is available from at least one data provider with which said enhanced broadcast server is communicatively coupled and that is of interest to said subscriber.

Bowers further disclose aggregating, by said enhanced broadcast server, said preferences of said plurality of subscribers for information available from one of said at least one data provider to form a superset of said information that is of interest to said plurality of subscribers (Fig. 2, 4-9 and paragraph 33-34, 50-51, 61-63, and 66, requests send from receiver modules 40a-40n and received at access module 36a-36n are aggregated corresponding to the same source module 32a-32n (superset)) and;

wherein said preferences specify for each of said subscribers a subset of information that is available from at least one data provider with which said enhanced broadcast server is communicatively coupled and that is of interest to said subscriber (Fig. 2, 4-9 and paragraph 33-34, 50-51, 61-63, and 66, requests send from receiver modules 40a-40n (subset) and received at access module 36a-36n (enhanced broadcast server) are aggregated corresponding to the same source module 32a-32n (data provider)).

sending, from said enhanced broadcast server, said determined subsets of said received superset of said information to each of said plurality of subscribers (paragraph

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52, Aggregation module 102 sends the requested streaming or continuous media to the receiver modules 40a-40n).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bowers into the teachings of Nanja for the purposes of increasing the network resources efficiency (paragraph 9-11).

Consider claim 26. Nanja also disclose sending, to at least one of said plurality of subscribers, an aggregate of said received information from different ones of said at least one data provider that are of interest to said at least one of said plurality of subscribers (Fig. 1 and 3, data received from different services 302-307 are aggregated and sent to wireless unit 101a).

8. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanja (US 2002/0107830 A1) in view of Bowers (US 20030005455 A1).

Consider claim 27. Nanja disclose receiving, at an enhanced broadcast server, preferences from a plurality of subscribers to a mobile information system (paragraph 20, aggregator application 207 receives user web data requests).

Nanja does not disclose receiving, at said enhanced broadcast server from at least one data provider, information for all subsets that are of interest to said plurality of subscribers; determining, by said enhanced broadcast server, corresponding subsets of said received information that are of interest to each of said plurality of subscribers based on each of said subscribers' preferences; sending, from said enhanced broadcast

server, each of said determined subsets of said received information to each of said plurality of subscribers; wherein said preferences specify for each of said subscribers a corresponding subset of information that is available from at least one data provider with which said enhanced broadcast server is communicatively coupled that is of interest to said each of said subscribers.

Bowers further disclose receiving, at said enhanced broadcast server from at least one data provider, information for all subsets that are of interest to said plurality of subscribers (Fig. 1, 2, and 4 and paragraph 52, access module 36a-36n receive from source module 32a-32n the requested streaming or continuous media);

determining, by said enhanced broadcast server, corresponding subsets of said received information that are of interest to each of said plurality of subscribers based on each of said subscribers' preferences (Fig. 1, 2, and 4 and paragraph 52, access module 36a-36n receive from source module 32a-32n the requested streaming or continuous media); and

sending, from said enhanced broadcast server, each of said determined subsets of said received information to each of said plurality of subscribers (paragraph 52, Aggregation module 102 sends the requested streaming or continuous media to the receiver modules 40a-40n).

wherein said preferences specify for each of said subscribers a corresponding subset of information that is available from at least one data provider with which said enhanced broadcast server is communicatively coupled that is of interest to said each of said subscribers (Fig. 2, 4-9 and paragraph 33-34, 50-51, 61-63, and 66, requests send

from receiver modules 40a-40n (subset) and received at access module 36a-36n (enhanced broadcast server) are aggregated corresponding to the same source module 32a-32n (data provider)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bowers into the teachings of Nanja for the purposes of increasing the network resources efficiency (paragraph 9-11).

Consider claim 28. Bowers further disclose aggregating, by said enhanced broadcast server, said preferences from said plurality of subscribers for information available from one of said at least one data provider to form one or more supersets of said information that are of interest to said plurality of subscribers (Fig. 1, 2, and 4-9 and paragraph 51 and 53, access module 36 aggregates requests from receiver modules 40a-40n and send the aggregated requests to the source modules 32a-32n).

Consider claim 29. Bowers further disclose sending, from said enhanced broadcast server, a request for said one or more supersets of said information to said one of said at least one data provider (Fig. 1, 2, and 4-9 and paragraph 51 and 53, access module 36 sends the aggregated request to the source modules 32a-32n).

Consider claim 30. Bowers further disclose sending, to at least one of said plurality of subscribers an aggregate of said received information from different ones of said at least one data provider that are of interest to said at least one of said plurality of subscribers (Fig. 1, 2, and 4-9 and paragraph 51 and 53, access module 36 receive media from source modules 32a-32n and distribute to the receiver modules 40a-40n).

***Response to Arguments***

9. Applicant's arguments filed 4/16/07 have been fully considered but they are not persuasive.

Regarding the Nanja and Bowers references, applicant states that the "aggregation" provided in Nanja is very different from the "aggregation" provided in Bowers.	<p>In response to applicant's argument that Nanja and Bowers are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See <i>In re Oetiker</i>, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, both of the Nanja and Bowers references teaching delivering information based on requests from users.</p> <p>Nanja discloses collecting data from different sources and aggregates the collected data and sends to user.</p> <p>Bowers discloses collecting multiple</p>
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	requests from different users and send the request as one aggregated request to the data sources. The benefit of combining Bowers reference with Nanja reference is for increasing the network resources efficiency in paragraph 9-11 of Bowers reference.
Regarding to arguments on claims 1, 9, and 17.	Responses to argument on claims 1, 9, and 17 are discussed in the rejection of claims 1, 9, and 17 above.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of




the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Y. Lee whose telephone number is (571) 272-5258. The examiner can normally be reached on M - F 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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